

AMENDATORY SECTION:

WAC 230-04-190 Issuance of license -- Expiration -- Restrictions.

The commission may only issue a license to qualified applicants. All licenses and permits are issued subject to the following restrictions:

- (1) The commission may issue the following licenses and permits to operate or participate in authorized gambling activities at specified locations to qualified applicants in the following categories:
 - (a) Charitable and nonprofit organizations and agricultural fairs may apply for licenses to conduct the following activities: ~~((The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specific location))~~:
 - (i) Bingo;
 - (ii) Raffles;
 - (iii) Amusement games;
 - (iv) Punch boards and pull-tabs;
 - (v) Social card games; and
 - (vi) Fund raising events as defined in RCW 9.46.0233: Provided, That any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW is prohibited from conducting fund raising events.
 - ~~((b) Commercial amusement games. The commission may issue a separate license to any person to operate amusement games at one or more of the locations listed in WAC 230-04-138.~~
 - ~~(c) Commercial stimulant card games. The commission may issue a license to any person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to allow a specific portion of a specified premises to be used by persons to play authorized card games.~~
 - ~~(d) Public card room employee. The commission may issue a license to any person to perform duties in a public card room.~~
 - ~~(e) Commercial stimulant punch boards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises to operate punch boards and pull tabs upon specified premises.~~
 - ~~(f) Manufacturers and distributors of gambling equipment and paraphernalia. The commission may issue a separate or combination license to the following:~~
 - ~~(i) Manufacturers of punch boards, pull tabs, devices for the dispensing of pull tabs, bingo equipment, and other gambling equipment, supplies, and paraphernalia; and~~
 - ~~(ii) Distributors of punch boards, pull tabs, devices for the dispensing of pull tabs, bingo equipment, and any gambling equipment, supplies, or paraphernalia for use in connection with authorized activities.~~
 - ~~(g) Representatives of manufacturers or distributors. The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment and paraphernalia.~~
 - ~~(h) Recreational gaming activity permit. The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.))~~
- (b) Commercial businesses may apply for licenses to conduct the following activities:
 - (i) Manufacturers of gambling equipment and paraphernalia as required by WAC 230-04-110 and WAC 230-04-115;

- (ii) Distributors of gambling equipment and paraphernalia as required by WAC 230-04-120;
- (iii) Service suppliers providing a gambling related service as required by WAC 230-04-119;
- (iv) Linked bingo prize providers of gambling related services, gambling equipment, or gambling related supplies to licensed bingo operators as required by WAC 230-04-126;
- (v) Commercial amusement games operated at one or more of the locations listed in WAC 230-04-138;
- (vi) Commercial stimulant card games operated by a business primarily engaged in the selling of items of food or drink for consumption on the premises as required by WAC 230-04-080;
- (vii) Commercial stimulant punchboards and pull-tabs operated by a business primarily engaged in the selling of food or drink for consumption on the premises as required by WAC 230-04-080; and
- (viii) Punchboard and pull-tab service businesses providing accounting and records control services to licensed punchboard and pull-tab operators as required by WAC 230-04-133.
- (c) Individuals employed by qualifying organizations may apply to be licensed as:
 - (i) Charitable or nonprofit gambling managers as required by WAC 230-04-145;
 - (ii) Representatives of a manufacturer, distributor, service supplier and linked bingo prize provider as required by WAC 230-04-124;
 - (iii) Public card room employees as required by WAC 230-04-140; and
 - (iv) Commercial gambling managers as required by WAC 230-04-143.
- (d) The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.

Duration of the License ((expiration))

- (2) Each such license shall be valid for the period of time or the level of gross gambling receipts set forth on the license. In no case shall the time period exceed one year from the date that such license is issued: Provided, that license expiration dates may be adjusted by ~~((commission staff))~~ the director to schedule the workload. Organizations licensed for more than one activity may have all expiration dates adjusted to end on the same day. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For purposes of computing fees under this section, any part of a month in which the activity is authorized to be operated shall be deemed to be a whole month. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant. Specific expiration dates are as follows:
 - (a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

- (b) A license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival;
- (c) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ~~((ten))~~ thirty consecutive days;
- (d) A license issued to conduct a fund raising event shall be valid only for the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event: Provided, That a fund raising event license shall allow an organization to have possession of gambling equipment authorized for use at a fund raising event for a period of one year beginning on the day of the event and to rent such for up to four occasions per year to other organizations licensed to operate fund raising events;
- (e) A license issued to an individual shall be valid for a period not to exceed one year from the date the individual was assigned duties requiring a license, the date the license was actually issued, or as set forth elsewhere in this title, whichever occurs first: Provided, That a charitable or nonprofit gambling manager or distributor representative license shall become void upon a change of employer; and
- ~~(f) ((A bingo license that has been limited under the restrictions of WAC 230-02-062 shall expire when the level of authorized gross gambling receipts is reached. A license that expires under this subsection shall not be granted an increase in license class for the current license period until all requirements of WAC 230-04-260 have been met or the commission grants an increase in license class under procedures set forth in WAC 230-20-062.))~~

Possession of valid license - Required

(3) Commission regulated activities which require a license shall only be conducted when a valid license/permit in the licensee's possession or available on a licensed premises for inspection: Provided, that applicants for an individual license as card room employees, commercial gambling managers and charitable and nonprofit gambling managers are not required to have a valid license, but must have a copy of the license application, which was submitted to the commission.

~~((Reinstating expired))~~ License Renewal and Expiration

~~((3) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall))~~ A licensee must submit a properly completed renewal application and all applicable fees at least thirty days prior to the normal expiration date. Failure to renew a license/permit on or before the normal expiration date shall cause the license/permit to expire and the operation or performance of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a pre-licensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license. ~~((Provided, That if a properly completed renewal application and fees are received at the commission headquarters office within the fourteen day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.))~~

Two-part payment plan for license fees

(5) ~~((4))~~ The commission may allow an applicant renewing an annual license ~~((or applying for an additional license))~~ to pay the license fee in two payments under the following conditions:

- (a) The license fee is at least eight hundred dollars;
- (b) The applicant pays an administrative processing fee as set forth in WAC 230-04-202 or 230-04-203, plus one-half of the annual license fee at the time of application or renewal;
- (c) Licenses issued under the two-payment plan shall be issued with an expiration date as determined by subsection (2) of this section and a second-half payment due date. If the second-half payment is received on or before the due date, the license will remain in effect until the expiration date. If the licensee fails to submit the second-half payment prior to the due date, the license shall expire and all operations of the activity must stop;
- (d) Gross gambling receipts during the first-half payment period must not exceed fifty percent of the authorized class limitation for annual gross gambling receipts. Licensees whose gross gambling receipts exceed fifty percent of the authorized level shall be required to apply for a license at the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus and administrative processing fee, as set forth in WAC 230-04-202 and 230-04-203; and
- (e) If a licensee fails to submit a second-half payment two times, the licensee shall be removed from further participation in the two-part payment plan for a minimum of two years from the date of expiration of their current license.

Conditions of License Issuance

(6) ~~((5))~~ All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which includes but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.